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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,579	09/12/2000	Jay S. Walker	96-067X	2261

22927 7590 06/06/2005

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EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/660,579	WALKER ET AL.	
	Examiner	Art Unit	
	Ngoc K. Vu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,10-12,14,15,32-36 and 41-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,10-12,14,15,32-36 and 41-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 10-12, 14, 15, 32-36 and 41-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 10-12, 14, 15 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 5,438,355 A) in view of Field et al (US 4,410,911) and further in view of Pocock et al. (US 5,014,125 A).

Regarding **claim 1**, Palmer discloses a data processing apparatus for providing supplemental broadcast information (see figure 1), comprising:

a CPU (computer 12);

a storage device (database 20) operatively connected to said CPU (12);

an apparatus (fax/phone switch 18), adapted for communication with said CPU (12), for receiving a request from a caller over a telephone network (receiving a request from a user via telephone line 16) for supplemental information related to a broadcast television program and for replaying the request to said CPU (switch 18 receives a request for information regarding to TV programming and relaying the request to the computer 12 – see figure 1 and col. 1, lines 56-60; col. 2, lines 45-55); and

said storage device storing a program, adapted to be executed by said CPU, for processing the request for supplemental information and for transmitting the requested supplemental information through said apparatus (the database 20 inherently stores a program/software or instructions which can be read by and excused by the computer 12 for processing the request for information regarding to TV programming and for transmitting the requested information through the switch 18 – see figure 1; col. 2, lines 45-55).

Palmer does not disclose synchronizing the requested supplemental audio information. However, Field discloses synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program. Particularly, Field discloses that an audio encoder and combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34; col. 15, lines 35-60). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program, as disclosed by Field in order to provide additional audio information in a particular language to enhance a television video program.

Palmer and Field do not disclose transmitting audio information to a telephone receiver. However, Pocock teaches utilizing telephone lines for transmitting audio information to a telephone receiver or telephone interface circuit 122 of the user terminal (see col. 10, lines 35-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Palmer and Field by sending the

requested audio information to a telephone receiver via telephone lines as taught by Pocock in order to increase the capacity of the system in a manner which increases the efficiency with which transmission network resources are utilized.

Regarding **claim 2**, Palmer as modified by Field further discloses providing additional audio information associated with video program, e.g., one or more foreign language versions of a film soundtrack to subscriber (see Field: col. 5, lines 3-7 and figure 1).

Regarding **claim 32**, Palmer discloses a method of receiving supplemental information related to a broadcast television program including an audio component and an video component (receiving information regarding a TV programming including an audio component and a video component – see col. 1, lines 56-61), comprising the steps of:

viewing the broadcast television program (viewing TV programming – see col. 1, lines 56-59);

receiving ordering information for the supplemental information from the broadcast television program (receiving ordering information for the information from TV programming such as program identification codes PIC and console identification codes CIC – see figure 1; col. 2, lines 45-55; col. 3, lines 5-12 and 33-35);

requesting the supplemental information in accordance with the ordering information (requesting computer 12 to retrieve the information regarding TV programming from database 20 in accordance with the ordering information - see figure 1 and col. 1, lines 56-60; col. 2, lines 45-55);

providing selection information (providing a record of a polling choice – see col. 4, lines 22-23);

receiving the supplemental information during the broadcast television program (receiving the selected information regarding TV programming during the TV programming – see col. 1, lines 56-61; col. 2, lines 52-55).

Palmer does not disclose synchronizing the requested supplemental audio information with the broadcast television program. However, Field discloses synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program. Particularly, Field discloses that an audio encoder and combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34; col. 15, lines 35-60). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program, as disclosed by Field in order to provide additional audio information in a particular language to enhance a television video program.

Palmer and Field do not disclose transmitting audio information to a telephone receiver. However, Pocock teaches utilizing telephone lines for transmitting audio information to a telephone receiver or telephone interface circuit 122 of the user terminal (see col. 10, lines 35-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Palmer and Field by sending the requested audio information to a telephone receiver via telephone lines as taught by Pocock in order to increase the capacity of the system in a manner which increases the efficiency with which transmission network resources are utilized.

Regarding **claim 10**, Palmer discloses a method for providing supplemental information and broadcast television program using a CPU (providing TV program and information regarding to TV programming using a computer 12 - see col. 1, lines 56-61 and figure 1), and a storage device (database 20) operatively connected to the CPU (12) and containing a program adapted to be executed by the CPU for processing a request for supplemental information (the database 20 inherently stores a program/software or instruction which can be read by and excused by the computer 12 for processing the request for information regarding to TV programming – see figure 1; col. 2, lines 45-55), and an apparatus (switch 18) adapted for communicating with the CPU (see figure 1), said method comprising the steps of:

receiving a request for supplemental information from a caller via the apparatus (receiving a request for information regarding the TV programming from a user via the switch 18 – see col. 2, lines 45-55 and figure 1);

receiving selection information from the caller via the apparatus and processing the selection information by having the CPU execute the program to determine requested supplemental information (computer 12 receives a request information from the user via switch 18 and processing the request by having the computer 12 execute the instruction – see col. 2, lines 45-55 and figure 1);

communicating the requested information via the apparatus (the retrieved information is sent in response to the request from the user via the switch 18 – see col. 2, lines 52-55).

Palmer does not explicitly disclose receiving synchronization information and synchronizing the requested supplemental audio information with an audio component of the TV program. However, Field discloses synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program. Particularly, Field discloses that an audio encoder and

combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34; col. 15, lines 35-60). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program, as disclosed by Field in order to provide additional audio information in a particular language to enhance a television video program.

Palmer and Field do not disclose communicating the requested audio information to a telephone receiver. However, Pocock teaches utilizing telephone lines for transmitting audio information to a telephone receiver or telephone interface circuit 122 of the user terminal (see col. 10, lines 35-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Palmer and Field by sending the requested audio information to a telephone receiver via telephone lines as taught by Pocock in order to increase the capacity of the system in a manner which increases the efficiency with which transmission network resources are utilized.

Regarding **claims 11 and 12**, Palmer discloses database 20 management as it relates to billing, viewer habit data, request history, etc (see col. 3, lines 33-40).

Regarding **claims 14 and 15**, it is to be noted that the combined system of Palmer, Field and Pocock is provided with computer program or software stored on a computer readable medium to make the system perform the functions as discussed in claim 10 above.

Regarding **claim 33**, Palmer discloses that PIC and CIC including program identification information, billing information, phone numbers, credit card numbers, etc (see col. 3, lines 5-12

and 33-35). Field discloses that an audio encoder and combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34). Pocock further disclose a telephone number used for requesting audio information (see col. 9, lines 41-45).

Regarding **claims 34-35**, Palmer discloses the payment of interactive services via credit card (see col. 2, lines 3-6; col. 3, lines 33-40).

Regarding **claim 36**, Palmer does not explicitly disclose billing via a telephone bill. Official Notice is taken that it is well known in the art to provide for interactive services via telephone companies as part of a consolidated billing arrangement. It would have been obvious to one of ordinary skill in the art to modify the system of Palmer to do so in order to eliminate the necessity for plural bills.

Regarding **claim 42**, Palmer discloses an apparatus (see figure 1), comprising:

a CPU (computer 12);

a storage device (database 20) operatively connected to said CPU (12);

an receiver (fax/phone switch 18) for receiving a request for supplemental information related to a television program and for replaying the request to said CPU (switch 18 receives a request for information regarding to TV programming and relaying the request to the computer 12 – see figure 1 and col. 1, lines 56-60; col. 2, lines 45-55); and

a program, adapted to be executed by said CPU, for processing the request for supplemental information and for transmitting the requested supplemental information (a program/software or instruction which can be read by and excused by the computer 12 for

processing the request for information regarding to TV programming and for transmitting the requested information – see figure 1; col. 2, lines 45-55).

Palmer does not disclose synchronizing the requested supplemental audio information. However, Field discloses synchronizing the requested additional audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program. For example, a television program can be transmitted with the normal audio signal containing the English language program soundtrack while the additional audio signals may contain a Spanish language soundtrack or other foreign language. Particularly, Field discloses that an audio encoder and combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34; col. 15, lines 35-60). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program, as disclosed by Field in order to provide additional audio information in a particular language to enhance a television video program.

Palmer and Field do not disclose transmitting audio information to a telephone receiver. However, Pocock teaches utilizing telephone lines for transmitting audio information to a telephone receiver or telephone interface circuit 122 of the user terminal (see col. 10, lines 35-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Palmer and Field by sending the requested audio information to a telephone receiver via telephone lines as taught by Pocock in

order to increase the capacity of the system in a manner which increases the efficiency with which transmission network resources are utilized.

4. Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 5,438,355 A) in view of Kurtz (The New York Times, April 14, 1991, Section 3, page 8 - "Technology; A Way to Hear Stock Quotes While Watching Cartoons"), in view of Field et al (US 4,410,911) and further in view of Pocock et al. (US 5,014,125 A).

Regarding **claims 41 and 43**, Palmer discloses an apparatus (see figure 1), comprising:

a CPU (computer 12);

a storage device (database 20) operatively connected to said CPU (12);

an receiver (fax/phone switch 18) for receiving a request for supplemental information related to a television program and for replaying the request to said CPU (switch 18 receives a request for information regarding to TV programming and relaying the request to the computer 12 – see figure 1 and col. 1, lines 56-60; col. 2, lines 45-55); and

a program, adapted to be executed by said CPU, that is stored on the storage device and that is for processing the request for supplemental information and for transmitting the requested supplemental information (a program/software or instructions which can be read by and excused by the computer 12 for processing the request for information regarding to TV programming and for transmitting the requested information – see figure 1; col. 2, lines 45-55).

Palmer does not disclose the supplemental information comprising supplemental dialogue for a character within the television program and/or descriptive audio version of the television program for the visual impaired.

However, Kurtz discloses in The New York Times article that television station supplies audio descriptions and commentary for visually impaired about some of its program. Namely, during movie "Singing in the Rain", viewers learned that while Gene Kelly was being filmed

singing in the rain, it was actually daytime and sunny. The commentary does not interrupt the dialogue but speaks over it (see "The New York Times" IDS – page 3, 5th paragraph; page 4, last paragraph to page 5, 1st paragraph). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by providing audio commentary for a character within showing movie and/or a descriptive audio version of the TV program as disclosed by Kurtz for the visual impaired purpose.

Palmer does not disclose synchronizing the requested supplemental audio information. However, Field discloses synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program. Particularly, Field discloses that an audio encoder and combiner 12 receives an audio control signal ACTL from an audio encode control 14, and the encoder and combiner 12 combines the normal audio signal associated with video program and additional audio signal to form a composite audio signal under the control of the control signal ACTL (see col. 5, lines 45-48; col. 6, lines 30-34; col. 15, lines 35-60). It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the requested supplemental audio signal with normal audio signal associated with video program, e.g., audios in different languages accompanying a television video program, as disclosed by Field in order to provide additional audio information in a particular language to enhance a television video program.

Palmer and Field do not disclose transmitting audio information to a telephone receiver. However, Pocock teaches utilizing telephone lines for transmitting audio information to a telephone receiver or telephone interface circuit 122 of the user terminal (see col. 10, lines 35-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Palmer and Field by sending the

requested audio information to a telephone receiver via telephone lines as taught by Pocock in order to increase the capacity of the system in a manner which increases the efficiency with which transmission network resources are utilized.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Primary Examiner
Art Unit 2611

May 27, 2005